



Periodic Review / Retain Regulation Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5-210
Regulation title	Rules and Regulations Pertaining to Meat and Poultry Inspection Under the Virginia Meat and Poultry Products Inspection Act
Document preparation date	April 3, 2012

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

Legal basis

Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.

The authority for 2 VAC 5-210 is found in Section 3.2-5406 of the Code of Virginia. It gives the Commissioner the authority to adopt: (i) by reference any regulation under the federal acts as it pertains to this chapter, amending it as necessary for intrastate applicability; and (ii) any regulation containing provisions no less stringent than those contained in federal regulations.

The Virginia Meat and Poultry Products Inspection Act (Section 3.2-5400 et seq. of the Code of Virginia) provides a meat and poultry inspection program that will impose and enforce requirements with respect to intrastate operations and commerce that are at least equal to those imposed and enforced under the Federal Meat Inspection Act and the Federal Poultry Products Inspection Act. In the absence of this regulation, these requirements would still be in effect.

Alternatives

Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.

The agency is not aware of any viable alternative for achieving the purpose of the regulation. In the absence of this regulation, these requirements would still be in effect through federal regulations.

Public comment

Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

Commenter	Comment	Agency response

No public comments were received. An informal advisory group was not formed to assist in the periodic review.

Effectiveness

Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.

This regulation meets the criteria set out in Executive Order 14 (2010) and is necessary for the protection of public health, safety and welfare. The regulation is clearly written and easily understood.

Result

Please state that the agency is recommending that the regulation should stay in effect without change.

The agency is recommending that the regulation stay in effect without change.

Small business impact

In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency’s consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to the which the regulation overlaps, duplicates, or

conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.

There is a continued need for this regulation. The regulation is designed to ensure a safe, wholesome, and truthfully labeled supply of meat and poultry products for the citizens of the Commonwealth. Meat and poultry products support the growth of human disease producing organisms. These products must be produced under controlled conditions to prevent food borne illness. This regulation has been effective. To date, there have been no reported outbreaks of food borne illness attributed to meat and poultry products produced in Virginia-inspected plants. No comments or complaints were received concerning this regulation during the public comment period.

This regulation is necessary to comply with the Federal Meat Inspection Act and the Poultry Products Inspection Act, which allow Virginia to operate an intrastate Meat and Poultry Program. Virginia is one of eight states that operates a Talmadge-Aiken (T/A) program, which allows Virginia inspectors to provide inspection service to federal interstate plants.

The Federal Meat Inspection Act and the Poultry Products Inspection Act that the regulation adopts are very complex. The state Office of Meat and Poultry Services (OMPS) receives numerous questions and calls for assistance from plant operators and from persons interested in starting a meat or poultry business. OMPS provides guidance to these mainly small businesses in order to help them understand and comply with all regulatory requirements.

This regulation adopts the provisions of the Federal Meat Inspection Act and the Poultry Products Inspection Act. If there were no Virginia Meat and Poultry Program the federal government would "designate" the state, which means the federal government would take charge of all meat and poultry inspection in the state. The requirements on small businesses would not change. However, the inspections would be performed by federal inspectors.

The federal statutory requirements change regularly, and Virginia is required to adopt these changes as they occur. Virginia has the option to adopt requirements that are more stringent than those of the federal government but cannot reduce or remove any existing requirement.

Economic conditions have little effect on this regulation, since there is no fee for inspection service. The ability of technology to detect food safety hazards has the greatest impact on this regulation. As new pathogens are determined to be adulterants in meat or poultry products, more product or environmental tests may be required of inspected businesses. The businesses normally pass this cost on to their customers.

This regulation should remain in effect. This regulation allows small businesses in Virginia the opportunity to produce and sell meat and poultry products both intrastate and, through the T/A program, across state lines while working with Virginia state employees.

Family impact

Please provide an analysis of the regulation's impact on the institution of the family and family stability.

This regulation has a positive impact on the institution of the family and family stability by providing for the inspection of meat and poultry products to ensure products are wholesome, unadulterated and truthfully

labeled. This action reduces the number of individuals becoming ill or dying due to the ingestion of adulterated meat and poultry products.